

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 22863 of 2007(V)

PETITIONER:

**JILLBA I.N., W/O K.K.GOPI,
AGED 42 YEARS, LIBRARIAN,
SREE NARAYANA HIGHER SECONDARY SCHOOL,
NORTH PARAVUR, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.I.DAVIS

RESPONDENTS:

**1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.**

**2. THE DIRECTOR OF HIGHER SECONDARY
EDUCATION, HOUSING BOARD BUILDINGS,
SANTHI NAGAR, THIRUVANANTHAPURAM.**

**3. THE MANAGER,
SREE NARAYANA HIGHER SECONDARY SCHOOL,
NORTH PARAVUR, ERNAKULAM DISTRICT.**

BY GOVT. PLEADER SRI. A.J. VARGHESE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

A.K. BASHEER, J.

W.P.(C). NO. 22863 OF 2007

Dated this the 25th day of July, 2007

J U D G M E N T

Petitioner claims that she was appointed as Librarian Gr.III in the school under the management of Respondent No.3 with effect from January 1, 2002. She further claims that she is fully qualified to hold the post of Librarian in Higher Secondary School.

2. The grievance of the petitioner is that her appointment is not being approved by the controlling officer apparently for no valid or justifiable reasons. Ext.P2 proposal made by the manager for approval of her appointment is still pending consideration before the said authority. Petitioner is aware that the Government has not yet sanctioned the post of Librarian in the Higher Secondary Schools. She contends that the refusal of the Government to sanction the post of Librarian is also totally unjust and illegal.

3. Learned counsel invites my attention to Ext.P5 judgment of this Court and submits that, this Court had observed that the post of Librarian in Higher Secondary Schools is essential as is the post of Lab Attenders. Anyhow, I do not propose to deal with the above

issue at this stage since in Ext.P5 this Court had directed the Government to take a decision in the matter in the light of the observations made therein.

4. The primary prayer made in this writ petition is to issue a writ of mandamus or such other appropriate writ or direction to respondents 1 and 2 to sanction the post of Librarian Gr.III in the school under the management of respondent No.3 in accordance with the provisions contained in Chapter XXXII Kerala Education Rules and also to approve petitioner's appointment. Since admittedly the question of sanction of the post of Librarian in Higher Secondary Schools is pending consideration before the Government, grievance of the petitioner can be redressed only if and when the Government takes a decision in the matter. As noticed earlier, the Government is now in seisin of the matter and a decision is yet to be taken.

In the above facts and circumstances, I do not deem it necessary to keep this writ petition pending on the file of this Court. Learned counsel submits that petitioner has preferred Ext.P4 representation before respondent No.1 in this regard. Therefore, the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P4 strictly on its merit and in

accordance with law, as expeditiously as possible, at any rate within four months from the date of receipt of a copy of this judgment. While taking a decision, the Government shall keep in view the directions/observations made by this Court in Ext.P5 judgment. Respondent No.1 shall ensure that petitioner is afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. BASHEER, JUDGE

vps

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JUDGMENT

1ST MARCH, 2007